

Reply under 37 CFR 1.116
Expedited Procedure
Technology Center 2121

Application No.: 10/526,161
Response to Office Action mailed October 22, 2008

Docket No.: 30051/41004

REMARKS

Claims 1-9 and 13-23 are pending and at issue in this application, with claims 1, 21 and 23 being independent claims. Applicants respectfully request reconsideration and favorable action in this case.

35 U.S.C. § 102 Rejections

Claims 1-23 stand rejected under 35 U.S.C. §102(b) as anticipated by Schwenke et al. (U.S. Patent No. 6,556,950, hereinafter "Schwenke"). Applicants respectfully traverse this rejection. Independent claim 1 generally recites, in part, representing a circuit diagram that displays, at least for an element of the system, an electrical connection of the element to other individual elements in the system, and representing status data for the element in the represented circuit diagram.

Schwenke cannot anticipate independent claim 1 because Schwenke does not disclose all of the elements of the claim and, in particular, fails to disclose (1) a represented circuit diagram that displays, for an element of a system, an electrical connection of the element to other individual elements in the system, and (2) received status data for the element represented in the represented circuit diagram.

Schwenke appears to teach a data construct, referred to as a "control device," that is a **database construct** which includes, among other things, "all of the control information about a control mechanism...**specified during the control engineering phase of a development process.**" (See col. 23 at lines 50-55.) Schwenke also teaches a data construct referred to as a "control assembly," for controlling, for example, a specific clamp. A control assembly has, as building blocks, a number of control devices. (See col. 23 at lines 50-55.) A control device includes most of the information which **a control engineer specifies** with respect to a specific control mechanism. (See col. 23 at lines 59-62.) Quite simply, the control device disclosed in Schwenke is a data construct that contains all of the control information associated with each control mechanism. (See col. 20 at lines 21-24.) It does not receive status data, but instead, is programmed by a control engineer. For at least this reason, Schwenke does not anticipate independent claim 1.

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Moreover, Fig. 81 of Schwenke, relied upon by the Office Action, depicts a cylindicator **control device** including a device name, a logic section, a schematic section, and a diagnostic section. (See col. 20 at lines 56-60.) The schematic section 8506 includes a schematic diagram 8507 of the control mechanism associated with the control device. (See col. 21 at lines 38-44.) However, this schematic section 8506 appears to be visible only when the control device 8500 is being constructed by or viewed by a control engineer. Likewise, the diagnostics section 8508 includes information indicating rules for identifying I/O conditions of interest and indicating **activities that the system *should* perform when such a condition exists** (e.g., "Text 'Cylindicator Sensor Failure'" as in Fig. 81). The diagnostics table 8509 includes I/O requirements 8511 and corresponding activities 8513, which activities indicate **what action *should* be performed when a corresponding I/O requirement occurs**. (See col. 21 at lines 45-61.) For example, the activity associated with failure 8515 is to **generate an alphanumeric text phrase** "cylindicator sensor failure" 8517. (See col. 21 at 60-61.) Thus, like the schematic diagram, it appears that the diagnostics table does not display **received status data**, as generally recited by claim 1, but rather **specifies what actions are to be taken** upon receipt of various status data during operation of a machine control system.

To be absolutely certain, Fig. 81 does not depict any **status data** for any element in the circuit diagram. Rather, Fig. 81 and, in particular, the diagnostics table 8509 (which includes element 8517), depicts *a means for programming the system to perform an action when a specified condition is met*. Put another way, "cylindicator sensor failure" is not displayed on a screen such as the screen depicted in Fig. 81 but, rather, Fig. 81 merely depicts how an engineer would program the system, using control device 8500, to send an alphanumeric text phrase when certain conditions are met. Moreover, the phrase "Cylindicator Sensor Failure" as shown in Fig. 81 is not indicative of **status data received for an element**, but is instead indicative of **an action to perform when received status data meet a corresponding condition**. Displaying for an engineer a schematic diagram and an

Application No.: 10/526,161
Response to Office Action mailed October 22, 2008

Docket No.: 30051/41004

action to perform when status data (which have not yet been received) satisfy a corresponding condition is not the same as representing the status data which have been received, as recited in claim 1. Further still, even if Schwenke disclosed representing the circuit diagram of Fig. 81 to a user (which it does not), Schwenke does not disclose **representing received status data for an element of a control system in a represented circuit diagram**, as recited by claim 1, because Fig. 81 does not depict any **received data**.

Furthermore, the Office Action cites Fig. 81 in combination with col. 84, lines 1-50, throughout the alleged *prima facie* case of anticipation. (See, Office Action, at pages 2-3.) Applicants find no relevance in the portion of text on which the Office Action relies in support of the alleged *prima facie* case of anticipation, as the cited portion of text (i.e., col. 84, lines 1-50) has nothing to do with Fig. 81, and therefore, cannot and does not contribute to a *prima facie* case of anticipation. Quite simply, the Office Action attempts to combine the use of the word “element” with a wholly (and quite clearly) unrelated figure. Applicants suggest that even a cursory reading of the portions of the specification relating to the figure relied upon by the Office Action (i.e., Fig. 81), as described above, results in an understanding that Fig. 81 does not support the alleged *prima facie* case of anticipation.¹

As the above remarks make clear, nothing cited in the Office Action mailed October 22, 2008, supports a *prima facie* case of anticipation with regard to independent claim 1. Moreover, each of independent claims 21 and 23 recites elements similar to those recited in independent claim 1. Therefore, for at least the same reasons elaborated upon above with respect to claim 1, Schwenke cannot anticipate either claim 21 or claim 23, much less anticipate any pending dependent claim. Applicants note that the instant Office Action appears to make the same type of improper rejection as each of the previous Office Actions – relying in support of a rejection on a figure for which a thorough reading of the relevant text makes clear

¹ The Office Action is replete with this pattern of improper reliance on and combination of text and figures. It appears that each rejected claim relies at least upon this improper combination of text and figures.

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that figure does not depict that for which the Office Action relies upon it. In view of the remarks above, Applicants respectfully request reconsideration and withdrawal of the rejections.

CONCLUSION

Accordingly, all remaining claims are in condition for allowance for the reasons provided above. Although Applicants believe that no fees are due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 13-2855 of Marshall, Gerstein & Borun, LLP under Order No. 30051/41004. Should the examiner wish to discuss any remaining issue, Applicants kindly request the examiner to contact the undersigned by telephone at the number below.

Respectfully submitted,

Dated: January 8, 2009

By: _____

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